

Notice of Allowability

Application No.

10/015,658

Examiner

Jamal A. Fox

Applicant(s)

NAKAMURA ET AL.

Art Unit

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 12/19/2005.
2. ☒ The allowed claim(s) is/are 14 which has been renumbered as 1.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☒ Certified copies of the priority documents have been received in Application No. 10/015,658.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

DETAILED ACTION

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

The application has been amended as follows:

Claim 14 line 12, after ";", insert -- and--

Claim 14 line 18, after "tunnel", delete --, and-- and insert --;--.

Allowable Subject Matter

2. Claim 14, which has been renumbered as 1, is allowed.
3. The following is an examiner's statement of reasons for allowance: Regarding claim 1, the prior art of reference fails to teach of a first data relay apparatus disposed within a specified public network interposed between a specified backbone network and host devices, which relays data between the backbone network and the host devices through a logical tunnel established within the public network, the first data relay apparatus comprising: a second type determination unit that monitors contents of the data loaded from the backbone network and determines a type of the data; a second relay unit that relays data through the tunnel when the type of the data is targeted for a single traffic; and a storage control unit that stores the data when the type of the data is targeted for broadcast to a particular group; and a second data relay apparatus, disposed within a specified public network interposed between a specified backbone

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network and host devices, which relays data between the backbone network and the host devices through a logical tunnel established within the public network, the second data relay apparatus comprising: a first type determination unit that monitors contents of the data loaded from the host device and determines a type of the data; a first relay unit that relays data through the tunnel when the type of the data is targeted for a single traffic; and a control processing unit that performs control processing on the data without being routed through the tunnel when the data is a predetermined control packet, where the control processing unit of the second data relay apparatus performs control processing so as to relay the data, as a target to be controlled stored by the storage control unit of the first data relay apparatus, to the host device that has issued a specified reception request. The closest reference, Tsao (U.S. Patent Application Publication No. 2002/0080819), teaches of a data relay system, having a logical tunnel established within a specified public network interposed between a backbone network and host devices, which relays data between the backbone network and the host devices through the tunnel, the system having a data relay apparatus within the public network but fails to teach of the first data relay apparatus comprising: a second type determination unit that monitors contents of the data loaded from the backbone network and determines a type of the data; a second relay unit that relays data through the tunnel when the type of the data is targeted for a single traffic; and a storage control unit that stores the data when the type of the data is targeted for broadcast to a particular group; and a second data relay apparatus, disposed within a specified public network interposed between a specified backbone network and host devices, which relays data

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between the backbone network and the host devices through a logical tunnel established within the public network, the second data relay apparatus comprising: a first type determination unit that monitors contents of the data loaded from the host device and determines a type of the data; a first relay unit that relays data through the tunnel when the type of the data is targeted for a single traffic; and a control processing unit that performs control processing on the data without being routed through the tunnel when the data is a predetermined control packet, where the control processing unit of the second data relay apparatus performs control processing so as to relay the data, as a target to be controlled stored by the storage control unit of the first data relay apparatus, to the host device that has issued a specified reception request.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

4. Any response to this action should be mailed to:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

or faxed to:

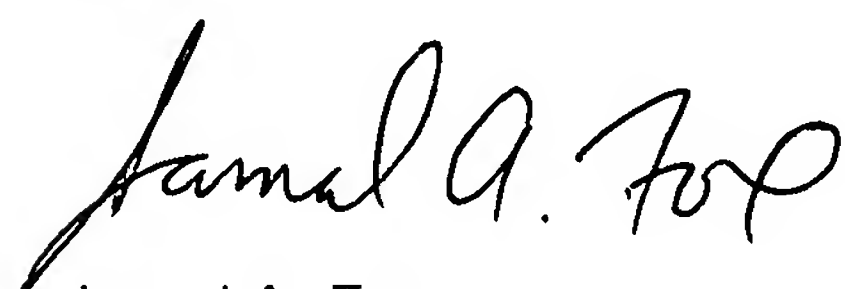
(571) 273-8300, (for formal communications intended for entry)

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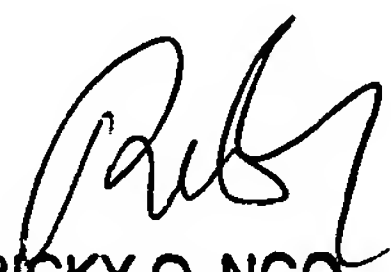
5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jamal A. Fox whose telephone number is (571) 272-3143. The examiner can normally be reached on 8:30 AM - 7:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Seema Rao can be reached on (571) 272-3174. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Jamal A. Fox



RICKY Q. NGO
SUPERVISORY PATENT EXAMINER